

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RPX CORPORATION,  
Petitioner,

v.

DESHODAX LLP,  
Patent Owner.

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Case IPR2018-00280  
Patent 7,307,398 B2

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Before TREVOR M. JEFFERSON, JOHN A. EVANS, and  
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

EVANS, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
35 U.S.C. § 314(a)

## I. INTRODUCTION

RPX Corporation (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–12 (all claims) of U.S. Patent No. 7,307,398 B2 (Ex. 1001, “the ’398 patent”). Paper 2 (“Pet.”). Deshodax LLC (“Patent Owner”) did not file a Preliminary Response.<sup>1</sup>

35 U.S.C. § 314(a) provides that an *inter partes* review may not be instituted unless the information presented in the petition and any response “shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

We find, on the record before us, that Petitioner has established a reasonable likelihood of prevailing at least with respect to independent claims 1 and 8 under at least a first ground over Chang. On April 24, 2018, the Supreme Court held that a decision to institute under 35 U.S.C. § 314 may not institute on less than all the claims challenged in the petition. *SAS Inst., v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018). In view of the foregoing, we grant the Petition and institute an *inter partes* review of all claims, i.e., claims 1–12 of the ’398 patent on all grounds set forth in the Petition.

## II. BACKGROUND

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<sup>1</sup> On May 7, 2018, the Panel held a conference call with counsel for Petitioner, as well as Mr. Peter J. Corcoran, III. *See* Teleconference Summary (Paper 7). Mr. Corcoran explained that he represents Patent Owner in a related district court case, but, at the time of the call, had not yet filed a power of attorney in this proceeding. *Id.* at 2. Mr. Corcoran also stated that Patent Owner did not intend to file a Preliminary Response to the Petition. *Id.*

A. *Related Matters*

Petitioner advises us that the '398 patent is or was at issue in seven (7) lawsuits filed by Deshodax in April 2017, in the Eastern District of Texas, against Acer America Corporation (5-17-cv-00079), Huawei Device USA, Inc. (5-17-cv-00080), Lenovo (United States) Inc. (5-17-cv-00081), Nokia Mobile Phones, Inc. (5-17-cv-00082), OnePlus, Inc. (5-17-cv-00083), TCL Communication, Inc. (5-17-cv-00084), and ZTE (USA), Inc. (5-17-cv-00085), and four (4) lawsuits filed in June or July 2017, in the District of Delaware, against Lenovo (United States) Inc. (1:17-cv-00804), Blackberry Corporation (1:17-cv-01014), Samsung Electronics USA, Inc. (1:17-cv-01015), and Sony Mobile Communications (USA) Inc. (1:17-cv-01016).  
Pet. 1.

B. *The '398 Patent*

The '398 patent is titled “Image Processing Device and Method for Controlling a Motor System.” The '398 patent relates to an image processing device having a variable-speed scanning module. Ex. 1001, Abstr. The '398 patent claims such a device that has a plurality of loading circuits that are selectable to control the power provided to the scanning motor. *Id.*, col. 2, ll. 9–14.

According to the '398 patent, various image-processing devices, such as computer printers, photocopiers, scanners, and multi-function peripherals, require increasing levels of resolution and require higher scanning speeds as a function of resolution. *Id.*, col. 1, ll. 13–21. According to the '398 patent, low scanning speeds require much less power than higher scanning speeds, but prior art scanning motors are controlled by a single loading circuit which

must be designed to handle the maximum power that may be required. *Id.*, col. 1, ll. 59–66. The '398 patent describes low-speed scanning at maximum power as problematic because the excess power is dissipated as heat which damages the motor. *Id.*, col. 2, ll. 2–5. To address this problem, the '398 patent provides a plurality of loading circuits from which to choose according to the scanning power required. *Id.*, col. 2, ll. 9–14.

Petitioner contends the '398 patent is directed to a generic image processing device (e.g., a scanner or printer) that controls the speed of a moving part of the system (e.g., a “scanning module” or “printing module”) by controlling power delivered to the motor. Pet. 4. Petitioner alleges the novelty of the '398 patent is replacing a *single* loading circuit with a *plurality* of loading circuits, and *selecting* from those to control motor power. *Id.*

### C. *Illustrative Claims*

The '398 patent includes two independent claims, claim 1 to an image processing device, and claim 8 to a method of controlling a motor system of an image processing device. Independent claims 1 and 8 are illustrative of the invention:

1. An image processing device comprising:
  - a first module;
  - a motor system connected to the first module and capable of pushing the first module to move forward, comprising:
    - a motor;
    - a driver for driving the motor;
    - a plurality of loading circuits; and

a power supply for providing power to the motor and the driver;

a selector connected to the plurality of loading circuits and capable of selecting a loading circuit among the plurality of loading circuits and setting the selected loading circuit as a loading of the motor system; and

a controller electrically connected to the driver and capable of controlling a speed of the motor system pushing the first module.

8. A method for controlling a motor system of an image processing device, wherein the image processing device comprises a first module and a motor system electrically connected to the first module,

wherein the motor system comprises a plurality of loading circuits, the method comprising:

selecting a loading circuit among the plurality of loading circuits and

setting the selected loading circuit as a loading of the motor system for controlling power provided to the motor system.

D. *Claim Construction*

1. *Standard*

The Board interprets claims of an unexpired patent using the broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *see also* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012).

Petitioner proposes constructions for several claim terms. Pet. 11–15. Petitioner contends no term of the '398 patent need be construed as a means-plus-function limitation in accordance with 35 U.S.C. § 112 ¶ 6 because “the

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